

REMARKS

In his office action of September 8, 2005, the Examiner rejected claims 1 through 7, and claims 13 through 25. In response to the office action, applicant has amended several of the claims. Reconsideration of claims 1 through 7, claims 13 through 15, 17 through 21, and 23 through 25, as amended, is respectfully requested.

On page 2 of the office action, the Examiner stated that "Ferris clearly discloses user inputs his own response data from his/her own thought process." However, the Ferris device displays incoming PAD display data, and only accepts "interactions from the user on the basis of the information displayed." (p. 13, paragraph 3).

On page 3, the Examiner treated the HUUID and the PADUID (which is transmitted back) as constituting the user identifier code and program identifier code of the present invention. However, the present invention, which can be used to enter responses to any number of different programs, requires the user to input the program code, not merely respond to PAD (which is automatically identified). Further, the examples the Examiner used to show Ferris can be used to respond to live events are not on point; the user is still responding to PAD data constructed and presented to "interested" users.

The Examiner also argued that Ferris can be used to respond to programming received apart from the response device, citing Ferris' Fig. 4 and page 23. However, that example shows clearly that the Ferris device can be used only to respond to PAD data. There the program is "The Tool Show" showing a good drilling technique; the PAD item is an offer for the user to buy the drill! (the offer has been downloaded previously and cued up on the display). This is not a response to the show itself. As pointed out previously, the

user of Ferris' device is limited to responding only to the PAD data displayed.

In any event, applicant has amended the claims to more clearly claim the subject matter of his invention, including the facts that the responses entered are made to the program received apart from the device, and that the program identifier code is correlated to the responses, not to the PAD data displayed.

On page 4 of the office action, the Examiner rejected claims 1 through 3, 13 through 17, and 19 through 23 under 35 U.S.C. § 102(b) as being anticipated by Ferris *et al* (U.S. WO 99/04568).

As noted previously, the Ferris reference requires that a host transmit Programme Associated Data (PAD), via a radio link from a central processing station, to the device, where it is displayed to the user. The PAD appears on the display, and the user responds to the display on the unit; the user is limited to choices displayed on the device, and cannot input his own response data. The present invention, on the other hand, provides means for a user to respond to any type of programming, whether live or recorded, by simply using a response device with a key pad, over a communication system such as a two-way paging system. The response system is not tied to any one type of programming over a particular medium. Obvious uses include responding to programs broadcast over television, radio, or steaming internet, but the invention can also be used with prerecorded media, such as audio tapes or video tapes, or even at live events.

Further, the Ferris device does not control a user's input of a program identifier code for a program. The term "PADUID" refers simply to a unique identifier for the PAD display data which is transmitted from the host to the user's device and to which the user responds. The only "program" to which the user can respond is the PAD display. The present

invention, on the other hand, requires the user to input a program code for the particular programming event, thereby allowing a respondent to identify the exact event to which he is responding. For example, viewers of a live event, such as an auto race, may input a particular program code in order to respond to and be grouped with, people responding to a particular driver's actions.

Finally, unlike the present invention, Ferris cannot be used to respond to live events; the PAD is typically sent by the host to the user in conjunction with a broadcast program, or is downloaded to the device and cued up by various mechanisms.

In any event, as noted *supra*, applicant has amended claims 1, 13, and 20 to more particularly claim the subject matter of his invention. As amended, claims 1, 13 and 20 should be allowable over Ferris.

In amending claim 1, applicant clearly indicates the user is responding to a program received apart from the response device, not to a PAD display. The user must input a program identifier code for the program received apart from the response device. The CPU correlates the user's response to the program identifier code he has entered. As amended, claim 13 incorporates claim 16 (which has been cancelled) to claim the type of program being responded to, and more clearly defines the steps of the method, consistent with claim 1. As amended, claim 20 incorporates claim 22 (which has been cancelled) to claim the type of programming being responded to, and more clearly defines the steps the system performs, consistent with claim 1. Minor amendments have been made to claims 4, 19, 24 and 25. As amended, claims 1 through 7, 13 through 15, 17 through 21, and 23 through 25 should now be allowable.

In his rejection of claims 2 and 3 (as well as claims 17 and 23, by reference), the

Examiner indicated that Ferris discloses "wherein the input mechanism is selected from the group consisting of a keypad and voice recognition apparatus." However, Ferris makes no reference at all to voice recognition apparatus. In any event, claims 2 and 3, which depend on claim 1, as amended, should now be allowable. I. claims 14 through 17, which depend on claim 13, as amended, should be now be allowable; and claims 21 through 23, which depend on claim 20, as amended, should be allowable as well.

On page 9, the Examiner rejected claims 4, 5, 6, 18 and 24 under 35 U.S.C. §103(a) as being obvious over Ferris. Applicant has previously noted that Ferris makes no reference at all to voice recognition apparatus. Furthermore, applicant submits that its amendments to claim 1 have made it allowable over Ferris and therefore Ferris does not render claim 4 obvious. It appears that the Examiner also rejected claims 5, 6, 18, and 24 on the same ground. Claims 5 and 6, which depend on claim 1, as amended, should also be allowable. Claim 18, and claim 19, which the Examiner does not address in the office action, which depend on claim 13, as amended, should also be allowable. Claim 24, which depends on claim 20, as amended, should also be allowable.

On page 11 of the office action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Ferris *et al* (U.S. WO 99/04568) in view of Yoshinobu *et al*. (U.S. 5,721,584). Claim 7, which depends upon claim 1, as amended, should now be allowable over Ferris in view of Yoshinobu.

On page 11 of the office action, the Examiner rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Ferris *et al* (U.S. WO 99/04568) in view of Lewis *et al*. (U.S. 5,303,042). Claim 25, which depends upon claim 20, as amended, should now be allowable over Ferris in view of Lewis.

In light of the foregoing arguments, and upon entry of the amendments, allowance of claims 1 through 7 and 13 through 15, 17 through 21, and 23 through 25 should be in order and is respectfully requested.

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Respectfully submitted,



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